

**From:** County Commissioner Mike Ritz  
**To:** Councilman, Myron Lowery  
**Date:** August 19, 2008  
**Re:** Planned Unit Development Charter Amendment

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On May 28, 1974 the Memphis City Council voted to approve Ordinance 2061 amending the City Charter to allow for the authorization of planned developments approved by the City Council as a means of varying from a zoning district's regulations. This ordinance was later approved in a referendum election on August 1, 1974.

Ordinance 2061 amends the charter by adding Article 21 Section 157 Planned Unit Developments which states as follows:

**"Section 157. Planned Unit Developments.** The Council may by Ordinance provide for approval of planned developments on parcels of land in which the heights, areas, densities, uses and such other items applicable and pertinent to said development, may be as set out on a recordable plat although they may not be uniform with those in the district in which located. Such a plan shall first be submitted to and a recommendation made by the Planning Commission. Such plats shall show the street and road patterns, dedications, if any, set backs, heights, density, uses, building separation, open areas, screenings, and such other items applicable and pertinent to said development, as proposed by the applicant and their conformity with standards set by the Planning Commission, as approved by the Council so as to carry out the intention of the zoning ordinance and preserve the character of the neighborhood. Upon approval and enactment by the Council, such conditions shall be binding upon the applicant/owner until relieved by amendment or repeal.

Building permits may be issued in accordance with the approved plan even though more than one structure is to be located thereon."  
*Memphis City Charter Article 21 § 157.*

It has been suggested that the City's Charter Committee consider expanding the ability of the Council by allowing them to delegate this duty to the Memphis and Shelby County Land Use Control Board through the adoption of an ordinance amending the Zoning and Subdivision Regulations. This amended Charter provision would also update the existing language and could read as follows:

**Section 157. Planned Unit Developments.** The Council may by Ordinance provide for approval of planned developments on parcels of land in which the heights, areas, densities, uses and such other items applicable and pertinent to said development, may be as set out on a recordable plat although they may not be uniform with those in the district in which located. Such a plan shall first be submitted to and a recommendation made by the Land Use Control Board Planning Commission. Such plats shall show the street and road patterns, dedications, if any, set backs, heights, density, uses, building separation, open areas, screenings, and such other items applicable and pertinent to said development, as proposed by the applicant and their conformity with standards set by the Land Use Control Board Planning Commission, ~~as approved by the Council~~ so as to carry out the intention of the zoning ordinance and preserve the character of the neighborhood. ~~Upon approval and enactment by the Council, such~~ Final approval of such plan and any associated conditions may be by enactment of the Council, or the Council may by Ordinance delegate final approval authority to the Land Use Control Board. Final approval of such plan shall be binding upon the applicant/owner until relieved by amendment or repeal.

Building permits may be issued in accordance with the approved plan even though more than one structure is to be located thereon. [Additions are underlined].

The above amended Charter provision is intended to preserve the authority of the City Council to approve planned developments but also grants the Council the authority to delegate this duty to the Memphis and Shelby County Land Use Control Board. Additionally the language removes the no longer existent Planning Commission and replaces this language with the Land Use Control Board.